

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL S. MAPES, MILTON
PETERSEN IV, BRIAN LEICHNER, DAVID
MOHR and DAVID STADING,

Plaintiffs,

v.

WELLINGTON CAPITAL GROUP, INC.,

Defendant.

Civil No. 8:07cv77

MOTION TO STAY PROCEEDINGS

COMES NOW, the Defendant, Wellington Capital Group, Inc., by and through counsel of record, and hereby requests that this Court enter an Order staying all proceedings in the above case. In support of this motion, Defendant states as follows:

1. Defendant has filed an Index of Evidence simultaneously herewith attaching the affidavits of Robert A. Mooney and Elizabeth M. Callaghan, with exhibits, in support of this Motion. The affidavits and exhibits attached thereto set forth the facts supporting this Motion.¹

2. Plaintiffs have filed a Motion for Sanctions and Motion for Summary Judgment (See Filing Nos. 71 and 74). Defendant cannot respond to the pending Motion for Sanctions or Motion for Summary Judgment filed by Plaintiffs without the assistance of Frank Amodeo, the sole officer and director of Defendant. Additionally, Defendant will be prejudiced if the court hears and decides Plaintiff's Motion for Summary Judgment at this time because, for the reasons set forth in Defendant's

¹ Due to the sensitive nature of the attachments to the affidavits, Defendant has filed its Index of Evidence under seal and has also filed a Motion to Seal.

supporting affidavits, Defendant's sole officer and director is unable to assist counsel at this time.

3. Plaintiffs will not be prejudiced by staying these proceedings until Mr. Amodeo is able to assist counsel, for the reason that Plaintiffs have re-taken the company which is the subject of their action, Plaintiffs have retained the down payment made by Defendant in the amount of \$2.25 million, along with two payments totaling \$250,000; said figures combined are greater than the damages asserted by Plaintiffs in answers to discovery.

4. Defendant is unaware of when Amodeo will be able to assist with the defense of this matter, and requests that these proceedings be stayed for a period of 90 days.

WHEREFORE, Defendant hereby requests that this Court enter an Order staying proceedings in this case.

Dated this 15th day of July, 2008.

WELLINGTON CAPITAL GROUP, INC.,
Defendant

By /s/ Elizabeth M. Callaghan

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 15, 2008, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system which sent notification of such filing upon all parties who filed an appearance or motion by electronic filing in this case:

John P. Passarelli
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/s/ Elizabeth M. Callaghan